

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY DAUNT, et al.,

Plaintiffs,

Case No. 1:19-cv-614

v.

JOCELYN BENSON, et al.,

Defendants.

/

**ORDER**

This action involves constitutional claims brought under 42 U.S.C. § 1983 against Michigan Secretary of State Jocelyn Benson regarding the creation and administration of Michigan's Independent Citizens Redistricting Commission for State Legislative and Congressional Districts ("the Commission"). Plaintiffs are fifteen individuals who are allegedly excluded from serving on the Commission. This Court permitted "Count MI Vote" d/b/a "Voters Not Politicians" (hereinafter VNP) to intervene as a Defendant. Pending before the Court are Plaintiffs' motion for preliminary injunction and Defendants' requests to brief motions to dismiss. Having reviewed the pleadings and Pre-Motion Conference request papers, and being otherwise familiar with the case circumstances, the Court determines that a Pre-Motion Conference is unnecessary. Rather, given the time sensitive nature of the case and the duplicative nature of the analyses under Federal Rules of Civil Procedure 65(a) and 12 regarding the strength of the merits of Plaintiffs' claims, the parties shall proceed with briefing Defendants' proposed motions to dismiss, contemporaneous with the filing of their responses to the motion for preliminary injunction. Accordingly:

**IT IS HEREBY ORDERED** that responses to the motion for preliminary injunction (ECF No. 4) shall be due not later than September 19, 2019. Any replies shall be filed within 14 days of each respective response. *See* W.D. Mich. LCivR 7.2(a) (including “motions for injunctive relief” within the definition of dispositive motions).

**IT IS FURTHER ORDERED** that Defendants shall proceed with briefing their proposed motions to dismiss limited to the issues presented in their Pre-Motion Conference papers (ECF Nos. 16 & 25) and in accordance with the following schedule:

- (1) Defendants’ Motions and Briefs shall be electronically filed not later than September 19, 2019;
- (2) Plaintiffs’ Responses shall be electronically filed within 14 days of each respective Motion; and
- (3) Defendants’ Replies shall be electronically filed within 7 days of each respective Response.

**IT IS FURTHER ORDERED** that the parties shall adhere to this Court’s Local Civil Rule 10.9 when referencing a page of the record.

**IT IS FURTHER ORDERED** that the parties shall, to the extent applicable, reference the exhibits already filed in support of the motion for preliminary injunction and shall otherwise, to the extent possible, collaborate on a single Joint Exhibit Book for the Court’s reference.

**IT IS FURTHER ORDERED** that each movant shall provide chambers with one three-ring binder containing paper courtesy copies of the respective dispositive motion papers, including responses, replies and all accompanying exhibits, after electronic filing (with the header) and properly tabbed. The movants shall submit the binders directly to Judge Neff’s chambers.

Dated: September 9, 2019

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge